

FORM P20.1
(Rule 25-5(1.1))

CORRECTION RECORD FOR STYLE OF PROCEEDING

General Notes

When an application has been filed (either a *Form P2* or *Form P21*) and there is a mistake discovered in the name of the Deceased in the style of proceeding, and before the issuance of:

- an estate grant;
- an authorization to obtain estate information; or
- an authorization to obtain resealing information;

the applicant may apply to the Registrar to correct the name of the deceased (Rule 25-5 (1.1) and (2.1)).

In order to apply to correct the style of proceeding in the documents filed, the applicant must prepare and file:

- a *Requisition* (Form 17);
- an *Affidavit* (Form 109); and
- *Correction Record for Style of Proceeding* (Form P20.1).

If the registrar is satisfied that:

- the deceased's name is incorrectly set out in the style of proceeding of the instrument referred to in the request;
- the deceased's name is correctly set out elsewhere in the submission for estate grant in Form P2 or the submission for resealing in Form P21; and
- the deceased's name in the notice in Form P1 is not seriously misleading;

the registrar must issue a Form P20.1 and, when issuing the grant or authorization or resealing the foreign grant, may use the corrected name in the style of proceeding.

This different from the procedure when a correction is required if the person to whom an estate grant is **already** issued or on whose behalf a foreign grant is resealed and it is discovered that there is a clerical mistake (for example, the name of the executor is misspelled), or there is an error resulting from an accidental slip or omission in the estate grant or resealed foreign grant. In such case, the person may, apply to the registrar to correct the estate grant or resealed foreign grant (Rules 25-5(1) and (2)) and if the registrar is satisfied that a clerical mistake or an error has occurred in the estate grant or resealed foreign grant, the registrar may correct the clerical mistake or error by issuing to the applicant a correction record in *Form P20 – Correction of Record*.

Preparations

Only the precedents are set out below – additional explanations are included in the document when not evident.

Form P17 – Requisition

The registry location is where the original application was filed and the court number is the one assigned by the Supreme Court at that time.

In the style of proceeding, insert the name of the deceased as shown in the original application (that is, the incorrect name).

Affidavit

Check what other affidavits were filed in these proceedings (including the application for the estate grant) and insert the next number in the top right corner.

The style of proceeding must be **identical** throughout all documents and is copied from the original application for the estate grant.

In this affidavit you will have to explain the reason for the error and provide the correct name of the Deceased.

In addition, as the applicant would have already sent notice in ***Form P1 – Notice of Proposed Application in Relation to Estate*** using the incorrect name, the Registrar will only be permitted to amend the style of proceeding if the correct name of the deceased appears elsewhere in the application material, for example, as one of the other names of the Deceased in Part 1 of ***Form P2 – Submission for Estate Grant*** or in the Deceased's will.

For example, you could attach a copy of the covering letter to the recipients of the Notice showing the correct name or alias. In other words, you will have to demonstrate in the Affidavit that there can be no confusion as to who the Deceased was.

REQUISITION

**FORM 17
(Rule 23-1(9) AND 25.5(1.1))**

No. _____
{Location} Registry

IN THE SUPREME COURT OF BRITISH COLUMBIA

**RE: ESTATE OF
{FULL NAME OF THE DECEASED}®, DECEASED**

REQUISITION - GENERAL

Filed by: *{NAME OF APPLICANT}*

Required: **Form P20.1 -- Correction Record for Style of Proceeding**

This requisition is supported by the following:

1. Affidavit of *{name}* made *{date}*.
2. Draft Form P20.1 – Correction Record for Style of Proceeding.

This Requisition is filed by *{NAME OF APPLICANT}*, the Applicants in this proceeding, whose address for service is as follows:

{Name and address of law firm}

Fax number address for service (if any): *{fax number}*

E-mail address for service (if any): *{email address}*

Dated: *{month, day, year}*.

 Signature of
 filing party
 lawyer for filing party ies
{Type or print name}

AFFIDAVIT

FORM 109

This is the {1st/2nd/3rd} Affidavit of {Name} in this case and was made on {date}

No. _____
{Location}Registry

IN THE SUPREME COURT OF BRITISH COLUMBIA

In the matter of the Estate of {NAME OF THE DECEASED}, Deceased

AFFIDAVIT

I, {NAME OF APPLICANT}, {occupation}, of {residential address}, in the {City} of _____, in the Province of British Columbia, **SWEAR/ AFFIRM THAT:**

- 1. I am an applicant for {Set out whichever one of the following 6 choices is correct}
 - a grant of probate / a grant of administration with will annexed / a grant of administration without will annexed / an ancillary grant of probate / an ancillary grant of administration with will annexed / an ancillary grant of administration without will annexed

in relation to the estate of {CORRECT NAME OF THE DECEASED} (the “deceased”) and as such have personal knowledge of the facts and matters hereinafter deposed to, except where stated to be based upon information and belief, and where so stated, I verily believe them to be true.

- 2. I am the {relation of the applicant to the Deceased, e.g. son/daughter of the Deceased}.
- 3. I have inadvertently shown the name of the Deceased as {Name of the Deceased in the application}.
- 4. The Deceased’s legal name is “{LEGAL – CORRECT NAME}”.

Suggested paragraph

- 5. Although Form P1 – Notice of Proposed Application contained the incorrect name of the Deceased, the covering letter to {names(s)} dated {date} shows clearly the correct name (as an alias). A copy of this letter is attached hereto as Exhibit “A”.

SWORN/AFFIRMED BEFORE ME at the
 {City} of _____, Province of British
 Columbia, this ___ day of _____, 20___

 A Commissioner for taking Affidavits
 in British Columbia

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)
)
)
)
)

{NAME OF APPLICANT}

CORRECTION RECORD FOR STYLE OF PROCEEDING

FORM P20.1 (RULE 25-5(1.1))

No. _____
{Location} Registry

In the Supreme Court of British Columbia

In the Matter of the Estate of
{CORRECTED NAME OF DECEASED}, Deceased

CORRECTION RECORD FOR STYLE OF PROCEEDING

{Rule 22-3 of the Supreme Court Civil Rules applies to all forms.}

The submission for estate grant / submission for resealing dated *{mmm/dd/yyyy}* with the current style of proceeding *{current style of proceeding}* is corrected to read *{new style of proceeding}*.

Date: *{mmm/dd/yyyy}*

Registrar